

EXHIBIT “A”

JULIO GARZA
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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT COURT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 _____)</p> <p>5 NATIONAL OILWELL VARCO, L.P.,)</p> <p>6 Plaintiff,)</p> <p>7 VS) Case No.</p> <p>8 JULIO GARZA,) 4:22-CV-02006</p> <p>9 Defendant.)</p> <p>10 _____)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 VIDEOTAPED ORAL DEPOSITION OF JULIO GARZA</p> <p>16 JULY 9, 2022</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 REPORTED BY:</p> <p>25 Lisa J. Brannon, CSR, RPR, CRR</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 APPEARING ON BEHALF OF PLAINTIFF:</p> <p>4 Stuart Lapp, Esq.</p> <p>5 Joshua Redelman, Esq</p> <p>6 STIBBS & CO., P.C.</p> <p>7 750 William D. Fitch Parkway</p> <p>8 Suite 210</p> <p>9 College Station, Texas 77845</p> <p>10 Telephone: 281-367-2222</p> <p>11 Email: slapp@stibbsco.com</p> <p>12 jredelman@stibbsco.com</p> <p>13</p> <p>14 APPEARING ON BEHALF OF DEFENDANT:</p> <p>15 Adam Israel, Esq.</p> <p>16 BALCH & BINGHAM, LLP</p> <p>17 811 Louisiana Street</p> <p>18 Suite 1010</p> <p>19 Houston, Texas 77002</p> <p>20 Telephone: 205-226-3495</p> <p>21 E-mail: aisrael@balch.com</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24 Barrett Parker, videographer</p> <p>25</p>
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<p>1 VIDEOTAPED ORAL DEPOSITION OF JULIO GARZA,</p> <p>2 produced as a witness at the instance of the</p> <p>3 Plaintiff, and duly sworn, was taken in the</p> <p>4 above-styled and above-numbered cause on the 9th</p> <p>5 day of July, 2022, from 9:03 a.m. to 12:20 p.m.,</p> <p>6 before Lisa J. Brannon, CSR, RPR, CRR, reported</p> <p>7 by machine shorthand via Zoom, pursuant to the</p> <p>8 Federal Rules of Civil Procedure and the</p> <p>9 provisions stated on the record.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X</p> <p>2 PAGE</p> <p>3 Appearances..... 3</p> <p>4 WITNESS: JULIO GARZA</p> <p>5 Examination by Mr. Lapp..... 7</p> <p>6 Certification of Deponent.....112</p> <p>7 Reporter's Certificate.....114</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q. And maybe you misunderstood my 2 question. I understood that answer to be between 3 the time you first contacted Array and they made 4 you an offer was a couple of weeks. 5 A. Yes. 6 Q. Do you recall how much before you and 7 Array first started talking to each other you had 8 started looking for a job? 9 A. It was probably a couple of weeks 10 after, like a few weeks, I guess. 11 Q. So just to make sure the record's 12 clear, so the best of your recollection is that a 13 few weeks before you and Array started talking is 14 when you started looking. 15 A. No. Looking for jobs, no. Talking to 16 Array -- you mentioned when I started talking to 17 Array, not looking for jobs. 18 Q. Okay. And thank you for clarifying. 19 So if the record reflects that you interviewed 20 with Array -- did your interviews with Array on 21 about April 19th, would you have been talking to 22 them for a couple of weeks before that? 23 A. Right. 24 Q. And would you have been communicating 25 with them for a couple of weeks before that</p>	<p style="text-align: right;">Page 31</p> <p>1 A. It was around two weeks. It was very 2 quick, the process. The first interview was with 3 an HR representative. She was just going through 4 the usual bidding process. 5 Then after that I believe I 6 interviewed with my current boss, Todd Andersen. 7 Then after that I interviewed with -- I forgot 8 his name, but he seems to be another principal 9 engineer at Array. 10 And then after that, I believe it 11 was last one, it was HR, Todd, yeah, because the 12 last one was -- I think it was four or five, but 13 the last one was with another principal engineer 14 and the CTO. 15 Q. CTO would be the chief technology 16 officer? 17 A. Yes, sir. 18 Q. Who is that? 19 A. I don't know his last name, but his 20 first name is Terry. 21 Q. And who is Nate? 22 A. Nate is a manager to an engineering 23 group. 24 Q. And did you interview with Nate as 25 well?</p>
<p style="text-align: right;">Page 30</p> <p>1 couple of weeks? 2 A. No. It was through the -- their 3 LinkedIn, so I applied online, and then I 4 received an email that they wanted an interview. 5 Q. Okay. 6 A. So there wasn't any communication until 7 after the e-mail came. 8 Q. Okay. And do you recall how much time 9 between the email asking for an interview and the 10 interview actually took place, how much time 11 elapsed? 12 A. A couple of days. 13 Q. Okay. Did you interview with them 14 remotely? 15 A. Yes. 16 Q. Zoom? 17 A. I believe it was Teams. I don't 18 recall. It was some video process, right. 19 Q. Who did you interview with? 20 A. I had about five, so do you want me to 21 describe -- 22 Q. Well, let's start with the first one. 23 A. HR representative. 24 Q. And over what period of time do these 25 five interviews take place?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes. He was the other person with 2 Terry. 3 Q. And so it's your recollection that 4 that -- that that interview process from HR to 5 the last took about two weeks? 6 A. I believe so. It was very quickly. 7 Q. Okay. And to tie a bow on the prior 8 question, is it correct that there was a period 9 of time that before the two weeks with Array that 10 you had been looking for other employment? 11 A. Right. I had other interviews with 12 different companies. 13 Q. Do you recall how many other companies 14 you interviewed? 15 A. I think there was two more. 16 Q. Okay. And do you recall generally what 17 period of time those interviews took place? 18 A. It was probably within a month, 19 possibly a month. 20 Q. The month prior to talking to Array? 21 A. I would say that would be fairly 22 accurate. 23 Q. Okay. So if you were talking to Array 24 the first to middle part of April, you may have 25 been talking to these other people back in March?</p>

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<p style="text-align: right;">Page 37</p> <p>1 record at 10:03. 2 (Recess taken 10:03 to 10:05) 3 THE VIDEOGRAPHER: We're back on 4 the record. Is time is 10:05. 5 Q. (BY MR. LAPP) Mr. Garza, I'm sorry for 6 the start and stop on this. This is not usual. 7 The last question I think, just to 8 make sure we're correct, based on the timing, the 9 date on Exhibit 3, you think that the interview 10 process with Array started sometime around the 11 first part of April, correct? 12 A. Right. 13 (Exhibit Number 2 marked.) 14 Q. (BY MR. LAPP) Let me show you what's 15 been marked as Exhibit 2. And I will represent 16 to you that this is a printout that has been 17 attached to the petition in this lawsuit as 18 Exhibit C. And there is testimony in the record 19 in this case that what is reflected on this 20 Exhibit 2 is information which was gleaned from 21 NOV's computer system after an examination of 22 your NOV-issued laptop computer, okay? 23 A. Okay. 24 Q. Do you understand what I've just told 25 you?</p>	<p style="text-align: right;">Page 39</p> <p>1 on the computer and downloaded files? 2 A. Yes, this reflects it. 3 Q. Okay. You don't dispute that. You are 4 agreeing that this reflects that. 5 A. Right. 6 Q. And you don't have any evidence that 7 would contradict or say that this is not 8 accurate. 9 A. No, I don't have evidence. 10 Q. So it looks like the -- quite a number 11 of instances on April 13th where files were 12 downloaded, some instances on April 20th where 13 files were downloaded, and then a single instance 14 on April 22nd where files were downloaded. Do 15 you agree that that's what's reflected on this 16 exhibit? 17 A. Yes. 18 MR. LAPP: Off the record. 19 THE VIDEOGRAPHER: We're off the 20 record. The time is 10:08. 21 (Recess taken 10:08 to 10:09) 22 THE VIDEOGRAPHER: We're back on 23 the record. The time is 10:09. 24 Q. (BY MR. LAPP) Mr. Garza, the column B 25 on Exhibit 2, you see where there's a notation</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Yes. 2 Q. So if you look on Deposition Exhibit 3 Number 2, if you look in column C -- 4 A. Yes. 5 Q. -- which is event time, you see the 6 dates there of 4-22, and if you scroll down, we 7 look down it's 4-20, and then further down is 8 April 13th. 9 A. Correct. 10 Q. All the way down to the fourth page, 11 and beginning on line 1 and 5, it switches from 12 April 13th to February 22nd. Do you see that? 13 A. Yes. 14 Q. Okay. So I will represent to you that 15 there is testimony in this record in this case 16 that that event time that's listed on this 17 exhibit indicates a time that was logged from 18 your NOV computer in which the files or 19 information -- the file path in the far column 20 was transferred from your NOV computer to an 21 external storage device, a USB drive. 22 A. Okay. 23 Q. Do you dispute that there were 24 instances, as reflected on this Exhibit C, where 25 you inserted an external USB drive and you ran it</p>	<p style="text-align: right;">Page 40</p> <p>1 that says NOV/Garza 12? 2 A. J2. 3 Q. Oh, J2. Is that your user name at NOV? 4 A. Yes. 5 Q. So looking at the entry, the event time 6 on 4-22-22, that date of 4-22 was actually after 7 you had submitted your -- or talked about the 8 fact that you were resigning from NOV, correct? 9 A. No. That was two days after my 10 interviews. I didn't have an offer from Array 11 yet, right, because April 20th is 4-22-2022, 12 which would be the second day after my 13 interviews; is that correct? 14 THE WITNESS: April is the fourth 15 month of the year? 16 MR. ISRAEL: Right. 17 A. Right. So I did not have an offer from 18 Array at the time. It was a completion of my 19 interviews. 20 (Exhibit Number 4 marked.) 21 Q. (BY MR. LAPP) Let me hand you what's 22 been marked as Exhibit 4 and ask you if you can 23 identify that, please. 24 A. This is -- it's an official letter from 25 Array from their HR saying that this is my offer</p>

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<p style="text-align: right;">Page 41</p> <p>1 letter.</p> <p>2 Q. So this is -- this is an email from</p> <p>3 Array's HR department dated Friday, April 22nd,</p> <p>4 2022, at 11:15 in the morning that says they are</p> <p>5 making you a conditional offer of employment and</p> <p>6 there's information on how to click on the offer</p> <p>7 letter in this email, correct?</p> <p>8 A. Correct. That is correct, yes, sir.</p> <p>9 (Exhibit Number 5 marked.)</p> <p>10 Q. (BY MR. LAPP) Let me hand you what's</p> <p>11 been marked as Exhibit 5.</p> <p>12 A. Okay.</p> <p>13 Q. Let me ask you if you can identify</p> <p>14 that.</p> <p>15 A. That is my resignation letter to</p> <p>16 Mr. Whitnell.</p> <p>17 Q. And it's dated April 21st, 2022,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. So back to my question about Exhibit 2.</p> <p>21 A. Uh-huh.</p> <p>22 Q. The download you made on April 22nd --</p> <p>23 Q. Right.</p> <p>24 A. -- was after you had written to</p> <p>25 Mr. Whitnell telling him you were resigning,</p>	<p style="text-align: right;">Page 43</p> <p>1 21st. It was on a Friday. This is Thursday,</p> <p>2 right? Was the 21st a Thursday?</p> <p>3 Q. Yes.</p> <p>4 A. Because I recall talking to Ed on a</p> <p>5 Friday.</p> <p>6 Q. If Ed recalled you talking to him on</p> <p>7 Thursday, would you disagree with that?</p> <p>8 A. I would, sir. It's -- I believe I sent</p> <p>9 him a Teams message so we could check when we</p> <p>10 spoke, the exact day.</p> <p>11 Q. In any event, you completed your</p> <p>12 interviews with Array on the 19th.</p> <p>13 A. Right.</p> <p>14 Q. You felt they had gone well. You sent</p> <p>15 an email to that effect, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And you got a formal offer from Array</p> <p>18 on the 22nd, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Now, you wrote this letter on the 21st,</p> <p>21 so you must have felt pretty comfortable that you</p> <p>22 were going to get an offer from Array before you</p> <p>23 resigned from NOV, correct?</p> <p>24 A. I had a verbal, that's why I wrote it.</p> <p>25 Q. So you knew on the 22nd, when you</p>
<p style="text-align: right;">Page 42</p> <p>1 correct?</p> <p>2 A. Correct. That was the night before,</p> <p>3 yes.</p> <p>4 Q. We talked earlier today about the fact</p> <p>5 that you claim that you routinely made downloads</p> <p>6 and so forth on an external storage device.</p> <p>7 A. Correct.</p> <p>8 Q. Do you recall that testimony?</p> <p>9 A. Yes.</p> <p>10 Q. And I was asking you questions about</p> <p>11 whether you downloaded information from NOV onto</p> <p>12 a storage device that you took with you when you</p> <p>13 left NOV. Do you recall that question?</p> <p>14 A. Correct.</p> <p>15 Q. Everything that's on this Exhibit 2 you</p> <p>16 downloaded onto an external storage device that</p> <p>17 you took with you when you left NOV, correct?</p> <p>18 A. It seems so, yes.</p> <p>19 Q. Including the document that you</p> <p>20 downloaded after you had resigned.</p> <p>21 A. Well, I resigned on the 22nd. This</p> <p>22 is -- I wrote this the night before.</p> <p>23 Q. And you had talked to Ed on the 21st</p> <p>24 and told him you were resigning, correct?</p> <p>25 A. I believe it was on the 22nd, not the</p>	<p style="text-align: right;">Page 44</p> <p>1 downloaded that last file, that you were going to</p> <p>2 work for Array and were going to quit NOV, right?</p> <p>3 A. Correct.</p> <p>4 Q. So the file downloads that happened on</p> <p>5 the 20th, on April 20th, and there are at least</p> <p>6 reflected on this Exhibit 2, beginning on line 5,</p> <p>7 and going all the way down to line 41, all those</p> <p>8 occurred on April 20th, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And that was after you included your</p> <p>11 interviews with Array and felt they had gone</p> <p>12 well, true?</p> <p>13 A. Correct.</p> <p>14 Q. Mr. Garza, some of the information that</p> <p>15 you downloaded, as reflected on Exhibit 2, were</p> <p>16 things like calculators and tools and things like</p> <p>17 that, correct?</p> <p>18 A. Correct.</p> <p>19 Q. However, some were not, right?</p> <p>20 A. Some may be, correct.</p> <p>21 Q. And, in fact, included information that</p> <p>22 by definition of the agreement you had with NOV</p> <p>23 was company confidential information, correct?</p> <p>24 MR. ISRAEL: Object to form.</p> <p>25 A. According to the definition, yes.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. (BY MR. LAPP) So you don't dispute in 2 this case that some of the information that you 3 took with you when you left NOV is company 4 confidential information. 5 MR. ISRAEL: Object to form. 6 A. According to the definition, yes. 7 Q. (BY MR. LAPP) So you don't dispute 8 that. 9 A. No, according to definition. 10 Q. So what you're disputing is the 11 definition, not the fact that you took the 12 information; is that right? 13 A. Correct. 14 Q. Okay. So if, in fact, it turns out in 15 this case that NOV's definition squares up with 16 the legal definition, your quibble would go away, 17 would it not? 18 MR. ISRAEL: Object to form. 19 A. I would have to think about it. I'm 20 not a lawyer, sir, so it's hard for me to make 21 that judgment. 22 Q. (BY MR. LAPP) Okay. And I'm not 23 asking you to make that judgment. I'm asking you 24 to answer the question. The question is that if 25 it turns out that NOV's definition, as you recall</p>	<p style="text-align: right;">Page 47</p> <p>1 your Array-issued laptop, did you not? 2 A. That's correct. 3 Q. And what -- for what purpose did you 4 plug those thumb drives into the Array laptop? 5 A. I have some reference information, like 6 calculators, as I mentioned earlier. 7 Q. Same thumb drive that the NOV 8 confidential information is on? 9 A. Correct. 10 Q. Now, we've talked about, not this 11 morning, but there are two USB thumb drives that 12 you indicated in answers to interrogatories to 13 the best of your recollection were plugged in the 14 NOV environment and also plugged in the Array 15 environment. 16 A. I believe there was only one, but I 17 gave the other thumb drive that was utilized at 18 NOV as instructed. 19 Q. Okay. And the one -- and I think we 20 called it the subject device or the -- 21 A. Yeah. 22 Q. -- the one on which the information 23 subject to, that's a black or gray USB with a 24 snap-on lid, as I recall. 25 A. Yes.</p>
<p style="text-align: right;">Page 46</p> <p>1 it, on the intellectual property and 2 confidentiality agreement that you signed squares 3 up with the legal definition of confidential 4 information, you agree that you then took 5 confidential information from NOV, correct? 6 MR. ISRAEL: Object to form. 7 A. I would have to agree, yeah. 8 Q. (BY MR. LAPP) You didn't tell anybody 9 at NOV, Mr. Whitnell, or anybody else, that you 10 were taking that information when you left, did 11 you? 12 A. No. 13 Q. You didn't seek permission from NOV to 14 take that information, did you? 15 A. No. 16 Q. When you realized that you had that 17 information and that NOV didn't think that was a 18 very good idea, you didn't take any steps to try 19 to give it back, did you? 20 A. I didn't think about it, sir. It was 21 information on my thumb drive. It was still 22 within my possession and it was still 23 confidential because it was not shared. 24 Q. Now, in fact, you plugged one or two 25 thumb drives that you took with you from NOV into</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. And the other one that may have 2 been said stress engineering, something like 3 that, correct? 4 A. Yes, correct. 5 Q. And just so we're all clear and 6 understand, as I understand your testimony, it's 7 the -- it's the first one, the black with the 8 snap-on lid, that is the subject device. 9 A. Correct. 10 MR. LAPP: Let's go off. 11 THE VIDEOGRAPHER: We're off the 12 record. The time is 10:20. 13 (Recess taken 10:20 to 10:22) 14 THE VIDEOGRAPHER: We're back on 15 the record. The time is 10:22. 16 Q. (BY MR. LAPP) Mr. Garza, with regard 17 to the information that was on the subject flash 18 drive, you did not obtain permission to take it 19 before you took it, correct? 20 A. I had permission to have access to it. 21 Q. That's not the question I asked you. 22 A. Right. 23 Q. The question I asked you was you didn't 24 obtain permission to take it from NOV when you 25 left, did you?</p>

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<p style="text-align: right;">Page 49</p> <p>1 A. No.</p> <p>2 Q. And you didn't offer to give it back to</p> <p>3 NOV once you realized you had it, did you?</p> <p>4 A. No, sir.</p> <p>5 (Exhibit Number 6 marked.)</p> <p>6 Q. (BY MR. LAPP) I'm going to hand you</p> <p>7 what's been marked as Exhibit 6 and ask you if</p> <p>8 you can identify that document, please.</p> <p>9 A. This is my offer letter from Array</p> <p>10 Technologies.</p> <p>11 Q. Now, in the -- up in the middle of the</p> <p>12 page, just the paragraph that says, "This offer</p> <p>13 is contingent upon successful completion," do you</p> <p>14 see that?</p> <p>15 A. Yes.</p> <p>16 Q. It also -- it says -- among other</p> <p>17 things it's contingent upon you signing Array</p> <p>18 Technologies' confidential information,</p> <p>19 non-disparagement and non-solicitation terms, do</p> <p>20 you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall signing that with Array?</p> <p>23 A. Yes.</p> <p>24 Q. Did you read it before you signed it?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. None?</p> <p>2 A. No, sir.</p> <p>3 Q. Would it be fair for us to deduce from</p> <p>4 the fact that that agreement is entitled Array</p> <p>5 Technologies Confidential Information Agreement</p> <p>6 that Array Technologies has an interest in</p> <p>7 protecting its confidential information?</p> <p>8 MR. ISRAEL: Object to form.</p> <p>9 A. I would think so.</p> <p>10 Q. (BY MR. LAPP) Do you recall anything</p> <p>11 about the terms of that agreement as we sit here</p> <p>12 today?</p> <p>13 A. No, sir, I do not recall.</p> <p>14 Q. Did the fact that you signed that</p> <p>15 agreement when you went to work for Array cause</p> <p>16 you to stop and go, oh, wait a minute, I think I</p> <p>17 signed something similar to this when I went to</p> <p>18 work for NOV?</p> <p>19 A. I didn't think of that, sir.</p> <p>20 Q. I'm sorry?</p> <p>21 A. I didn't think of that.</p> <p>22 Q. You worked other places as an engineer</p> <p>23 other than NOV and Array, correct?</p> <p>24 A. Correct.</p> <p>25 Q. In your other employment situations</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Is it similar to NOV confidential</p> <p>2 information intellectual property agreement that</p> <p>3 you signed in 2019?</p> <p>4 MR. ISRAEL: Object to form.</p> <p>5 A. I don't recall, sir.</p> <p>6 Q. (BY MR. LAPP) Do you have a copy of</p> <p>7 this?</p> <p>8 A. Electronic, and I don't have access to</p> <p>9 it anymore. I lost access once I got put on</p> <p>10 leave.</p> <p>11 Q. Okay. And you know we asked for a copy</p> <p>12 of that in written discovery this last week,</p> <p>13 right?</p> <p>14 A. I don't recall.</p> <p>15 Q. Okay. Do you recall participating in</p> <p>16 answering some questions that we asked in written</p> <p>17 discovery last week?</p> <p>18 A. Yes.</p> <p>19 Q. Did you make any request of anybody at</p> <p>20 Array to provide you a copy of this document?</p> <p>21 A. No. I haven't had communication with</p> <p>22 Array.</p> <p>23 Q. Do you recall what any of the terms of</p> <p>24 that agreement are?</p> <p>25 A. No, sir, I do not.</p>	<p style="text-align: right;">Page 52</p> <p>1 have you signed confidential agreements,</p> <p>2 intellectual property agreements, document</p> <p>3 agreements between you and your employer about</p> <p>4 confidential information?</p> <p>5 A. I don't recall but I would imagine.</p> <p>6 Q. That's because as an engineer the job</p> <p>7 function you performed for your employer involves</p> <p>8 information that that employer thinks is</p> <p>9 important and needs to be kept confidential,</p> <p>10 right?</p> <p>11 MR. ISRAEL: Object to form.</p> <p>12 A. I would imagine so, but there's a lot</p> <p>13 of stuff that is not confidential, right, because</p> <p>14 a lot of the stuff that engineers use are public</p> <p>15 equations and knowledge and we're just gathering</p> <p>16 it together to do the calculation of some sort.</p> <p>17 Q. (BY MR. LAPP) But in order to do that</p> <p>18 calculation, you need the tool that provides you</p> <p>19 with a form, right?</p> <p>20 A. I would say that I am the tool that</p> <p>21 does that, because I'm the engineer that knows</p> <p>22 how to utilize such information.</p> <p>23 Q. So and I'm not an engineer so please</p> <p>24 forgive me if my questions are a little bit --</p> <p>25 A. No worries.</p>

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<p style="text-align: right;">Page 97</p> <p>1 where and when?</p> <p>2 A. No, sir. 'M sorry, I wouldn't know.</p> <p>3 Q. When the thumb drive that you took from</p> <p>4 NOV was plugged into the Array laptop, did you</p> <p>5 download files off that thumb drive?</p> <p>6 A. I guess I would like to clarify that I</p> <p>7 didn't take the thumb drive from NOV. It was my</p> <p>8 thumb drive. And it had information in it that</p> <p>9 was reference information.</p> <p>10 Q. Okay. So with that explanation, can</p> <p>11 you answer my question?</p> <p>12 A. What was your question again?</p> <p>13 Q. Did you transfer any information that</p> <p>14 was on that thumb drive onto the Array laptop</p> <p>15 computer?</p> <p>16 A. Not any that was confidential, not</p> <p>17 that -- based on their definition, no, I did not</p> <p>18 download any information onto an Array laptop.</p> <p>19 Now, I'm not saying I didn't download a file, but</p> <p>20 that file did not belong to NOV.</p> <p>21 Q. And in order to determine what actually</p> <p>22 was downloaded, we'd need to look at the Array</p> <p>23 laptop computer, wouldn't we?</p> <p>24 MR. ISRAEL: Object to form.</p> <p>25 A. I'm not a computer engineer so it would</p>	<p style="text-align: right;">Page 99</p> <p>1 A. I would have to talk to counsel.</p> <p>2 Q. (BY MR. LAPP) Okay. Are you aware</p> <p>3 that since June 4th, 2022, NOV has been asking to</p> <p>4 see what's on that thumb drive?</p> <p>5 A. I have not been given any of that</p> <p>6 information.</p> <p>7 MR. LAPP: Let's take a short</p> <p>8 break.</p> <p>9 THE VIDEOGRAPHER: We're off the</p> <p>10 record. The time is 11:43.</p> <p>11 (Recess taken 11:43 to 12:01)</p> <p>12 individuals</p> <p>13 THE VIDEOGRAPHER: We're back on</p> <p>14 the record. The time is 12:01.</p> <p>15 Q. (BY MR. LAPP) Mr. Garza, when you</p> <p>16 received notice that this lawsuit had been filed</p> <p>17 and that a restraining order had been issued</p> <p>18 against you, who did you notify at Array of the</p> <p>19 lawsuit?</p> <p>20 A. The first person I spoke to was my</p> <p>21 direct manager, Todd Henderson.</p> <p>22 Q. And do you recall what day that was?</p> <p>23 A. No, but it was on Friday. I do recall</p> <p>24 that. It was the Friday -- the afternoon I was</p> <p>25 going to be with my family when I saw it.</p>
<p style="text-align: right;">Page 98</p> <p>1 be hard to answer that. Go ahead.</p> <p>2 Q. (BY MR. LAPP) And I'm not a computer</p> <p>3 engineer either.</p> <p>4 A. Right.</p> <p>5 Q. Would you agree with me that we have to</p> <p>6 talk to a computer engineer or a computer</p> <p>7 forensics person to be able to answer that</p> <p>8 question?</p> <p>9 A. Correct.</p> <p>10 Q. And would you agree with me that the</p> <p>11 best way to determine definitively what got</p> <p>12 plugged in, when it got plugged in, what, if</p> <p>13 anything, got moved would be to look at the thumb</p> <p>14 drive and look at the computer?</p> <p>15 MR. ISRAEL: I object to the form.</p> <p>16 A. I wouldn't be able to answer that.</p> <p>17 Sorry.</p> <p>18 Q. (BY MR. LAPP) Would you have an issue</p> <p>19 or problem allowing a computer engineer or</p> <p>20 qualified person to look at the device and make</p> <p>21 that determination?</p> <p>22 MR. ISRAEL: Again, I'm going to</p> <p>23 object to the extent it gets to the defense</p> <p>24 strategy and that's a decision to be made between</p> <p>25 counsel and the client.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. What -- tell me about the conversation</p> <p>2 you had with Todd.</p> <p>3 A. Well, I thought it was spam initially,</p> <p>4 so I was asking him if he was aware that we were</p> <p>5 getting sued, Array, and he said, I don't know.</p> <p>6 And then we started -- I didn't open any of the</p> <p>7 files just because I wasn't sure if they were</p> <p>8 spam or viruses or whatever, right?</p> <p>9 So we identified a person that had</p> <p>10 been cc'd on there, and then that's when Todd</p> <p>11 said, yeah, it might be legit, because of the</p> <p>12 person that was on the -- cc'd on the lawsuit,</p> <p>13 which is one of Array's counsel, and then that's</p> <p>14 when we realized it.</p> <p>15 Then I still didn't open anything.</p> <p>16 We kind of -- I was told just wait until we</p> <p>17 talked to the person cc'd on the email.</p> <p>18 Q. You mentioned earlier today about</p> <p>19 somebody from Array who is in Utah. Does Array</p> <p>20 have an office in Utah?</p> <p>21 A. I'm not sure. That person was Todd</p> <p>22 that I mentioned --</p> <p>23 Q. Okay.</p> <p>24 A. -- and he works remotely.</p> <p>25 Q. And does he live in Utah and work</p>

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1 I, JULIO GARZA, have read the foregoing
 2 deposition and hereby affix my signature that
 3 same is true and correct, except as noted above.

 JULIO GARZA

4
 5 THE STATE OF TEXAS)
 6 COUNTY OF _____)

7 Before me, _____, on this day
 8 personally appeared JULIO GARZA, known to me (or
 9 proved to me under oath or through
 10 _____) (description of identity card or
 11 other document) to be the person whose name is
 12 subscribed to the foregoing instrument and
 13 acknowledged to me that they executed the same
 14 for the purposes and consideration therein
 15 expressed.

16 Given under my hand and seal of office this
 17 ____ day of _____, 2022.

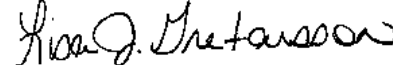
18
 19 _____

20
 21 NOTARY PUBLIC IN AND FOR
 22 THE STATE OF TEXAS
 23
 24
 25

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1 I do further certify that I am neither
 2 a relative nor employee nor attorney nor counsel
 3 of any of the parties to this action, and that I
 4 am neither a relative nor employee of such
 5 attorney or counsel, and that I am not
 6 financially interested in the action.

7 Certified to by me this 11th day of
 8 July, 2022.

9
 10 

11 Lisa J. Gretarsson, CSR, RPR, CRR
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1 STATE OF TEXAS)
 2 COUNTY OF TARRANT)

3 REPORTER'S CERTIFICATE

4 I, Lisa J. Brannon, CSR, RPR, CRR, do
 5 hereby certify that prior to the commencement of
 6 the examination, JULIO GARZA was duly sworn by me
 7 to testify to the truth, the whole truth, and
 8 nothing but the truth.

9 I do further certify that the foregoing
 10 is a verbatim transcript of the testimony as
 11 taken stenographically by and before me at the
 12 time, place, and on the date hereinbefore set
 13 forth, to the best of my ability.

14 I further certify that the signature of
 15 the deponent:

16 X was requested by the deponent or a
 17 party before the completion of the deposition and
 18 that the signature is to be before any notary
 19 public and returned within 30 days from date of
 20 receipt of the transcript. If returned, the
 21 attached Changes and Signature Page contains any
 22 changes and the reasons therefore;

23 ____ was not requested by the deponent
 24 or a party before the completion of the
 25 deposition.